

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Soverain Software LLC

Plaintiff,

v.

J.C. Penney Corporation, Inc., *et al.*,

Defendants.

Civil Action No. 6:09-cv-274

Judge Leonard Davis

**STIPULATION TO DISMISS VICTORIA'S
SECRET STORES BRAND MANAGEMENT, INC.**

Defendants Victoria's Secret Stores Brand Management, Inc. ("VS Stores"), Victoria's Secret Direct Brand Management, LLC, and Avon Products, Inc., and Plaintiff Soverain Software, LLC ("Soverain") (collectively, the "Parties") file this stipulation to dismiss Soverain's complaint against VS Stores and VS Stores' counterclaims against Soverain without prejudice.

WHEREAS, Victoria's Secret Direct Brand Management is the entity that owns and operates the Victoria's Secret website and Victoria's Secret Direct Brand Management will not contend at trial that some other Victoria's Secret entity is responsible for the accused conduct.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the Parties hereby stipulate, subject to approval of the Court, that:

1. Plaintiff's complaint against VS Stores is dismissed without prejudice;
2. VS Stores' counterclaims against Soverain are dismissed without prejudice; and
3. Each party shall bear its own attorney's fees, expenses and costs.

STIPULATED AND AGREED: November 11, 2011

SIEBMAN, REYNOLDS, BURG, PHILLIPS
& SMITH, LLP

/s/ Michael C. Smith w/permission

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Respectfully submitted,

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**COUNSEL FOR DEFENDANTS:
VICTORIA'S SECRET STORES BRAND
MANAGEMENT, INC.; AND
VICTORIA'S SECRET DIRECT BRAND
MANAGEMENT, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 11th day of November, 2011. Any other counsel of record will be served via facsimile.

/s/ Charles Ainsworth

Charles Ainsworth